

ULRICO S. ROSALES, State Bar No. 139809
ELIZABETH C. TIPPETT, State Bar No. 247792
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100
Email: urosales@wsgr.com, etippett@wsgr.com

Attorneys for Defendants
SAKHAWAT KHAN and ROOMY KHAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VILMA SERRALTA,

Plaintiff,

v.

SAKHAWAT KHAN, ROOMY KHAN
And DOES ONE through TEN, inclusive,

Defendants.

CASE NO.: CV 08 1427 EDL

**DECLARATION OF ELIZABETH
TIPPETT IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
VILMA SERRALTA'S MOTION
FOR LEAVE TO CONDUCT
LIMITED EXPEDITED
DISCOVERY AND TO PERMIT
ENTRY AND INSPECTION OF
LAND AND TANGIBLE THINGS**

Honorable Elizabeth D. Laporte
Hearing Date: May 28, 2008
Time: 2:30 p.m.
Place: Courtroom E, 15th Floor

I, Elizabeth C. Tippet, declare as follows:

1. I am an attorney duly admitted to practice before this Court and am associated with Wilson Sonsini Goodrich & Rosati, counsel for Defendants Sakhawat Khan and Roomy Khan in this matter. I have personal knowledge of the following facts and if called as a witness, I could and would testify to the matters stated herein.

2. On March 13, 2008, I was contacted by several newspaper reporters and television news reporters inquiring about a protest that was occurring at Defendants' residence.

DECLARATION OF ELIZABETH TIPPETT IN SUPPORT
OF DEFENDANTS' OPP. TO VILMA SERRALTA'S MTN.
FOR LEAVE TO CONDUCT LTD. EXPEDITED
DISCOVERY AND TO PERMIT ENTRY AND INSPEC.
OF LAND AND TANG. THINGS
CASE No: CV-08-1427 EDL

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1 3. A newspaper reporter at the San Francisco Chronicle by the name of Tyche
2 Hendricks contacted me on March 13, 2008, asking about the contents of a draft Complaint and a
3 protest occurring at Defendants' residence.

4 4. Attached hereto as Exhibit A is a true and correct copy of the Proof of Service by
5 Mail I received, which is dated March 14, 2008.

6 5. I have visited the website cited in paragraph 17 of the Complaint located at
7 [http://www.redfin.com/CA/ATHERTON/168-ISABELLA-AVE-](http://www.redfin.com/CA/ATHERTON/168-ISABELLA-AVE-94027/home/1617649/mlsListings-635082)
8 [94027/home/1617649/mlsListings-635082](http://www.redfin.com/CA/ATHERTON/168-ISABELLA-AVE-94027/home/1617649/mlsListings-635082).

9 6. On the evening of March 13, 2008, I watched television news coverage of the
10 protest at Defendants' residence. The coverage included pictures available at the website cited in
11 paragraph 17 of the Complaint. The coverage also included what appeared to be aerial footage
12 of Defendants' residence.

13 7. On Thursday, May 1, 2008, I spoke with Christina Chung, Counsel for Plaintiff in
14 this matter. Ms. Chung informed me that Plaintiff desired a stipulation to enter and videotape
15 Defendants' home because Plaintiff believed the sale of Defendants' home was imminent. Ms.
16 Chung told me that Plaintiff would file a motion for expedited discovery if Defendants did not
17 agree to the stipulation.

18 8. On Friday, May 2, 2008, I sent Ms. Chung an email stating that I had no reason to
19 believe a sale of Defendants' home was imminent but would confirm with my client. A true and
20 correct copy of my email is attached hereto as Exhibit B.

21 9. On Monday, May 5, 2008, I spoke with Ms. Chung and conveyed that Defendants
22 were willing to enter into a stipulation to alert them within 72 hours of any accepted offer or
23 planned alterations to the physical structure of the house. Ms. Chung replied that such a
24 stipulation would be insufficient absent an agreement to allow entry and videotaping of
25 Defendants' home after they are alerted. Ms. Chung stated that Plaintiff would file the motion at
26 issue if Defendants did not agree to allow entry and videotaping of Defendants' home. Ms.

1 Chung also requested that Defendants stipulate to an expedited briefing and hearing schedule for
2 the motion at issue.

3 10. On Monday, May 5, 2008, I sent Ms. Chung an email stating that Defendants
4 remained willing to alert them within 72 hours of any accepted offer or planned alterations to the
5 physical structure of the house but would not stipulate to entry and videotaping after such an
6 alert. I informed Ms. Chung that we did not believe there is any need for expedited motions at
7 this time. As a gesture of good faith, Defendants agreed to stipulate to an expedited briefing and
8 hearing schedule. A true and correct copy of my email is attached hereto as Exhibit C.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct and that this declaration was executed on May 19, 2008, in Palo
11 Alto, California.

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13 By: /s/ Elizabeth Tippett
14 Elizabeth C. Tippett
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EXHIBIT A

Christina Chung, State Bar No. 194630
Matthew Goldberg, State Bar No. 240776
Carole Vigne, State Bar No. 251829
THE LEGAL AID SOCIETY –
EMPLOYMENT LAW CENTER
600 Harrison Street, Suite 120
San Francisco, CA 94107
Telephone: (415) 864-8848
Facsimile: (415) 864-8199

Hillary Ronen, State Bar No. 228606
Rocio Avila, State Bar No. 252719
LA RAZA CENTRO LEGAL, INC.
474 Valencia Street, Suite 295
San Francisco, CA 94103
Telephone: (415) 575-3500
Facsimile: (415) 255-7593

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VILMA SERRALTA,)	Case No.: C 08-01427
)	
Plaintiff,)	PROOF OF SERVICE by MAIL
v.)	
)	
SAKHAWAT KHAN; ROOMY)	
KHAN; and DOES ONE through TEN,)	
inclusive,)	
)	
Defendants.)	
)	
)	
)	

1 I, Ann Blankenship, declare:

2 I am a citizen of the United States, over 18 years of age, employed in the County of San
3 Francisco, and not a party to or interested in the within entitled action. I am an employee of The
4 LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER, and my business address is 600
5 Harrison Street, Suite 120, San Francisco, California 94107.

6 On March 14th, 2008 I served the following documents:

- 7
- 8 • Request for Waiver of Summons
 - 9 • Summons and Complaint
 - 10 • ECF Registration Booklet
 - 11 • Notice of Assignment of Case to US Magistrate Judge
 - 12 • Order Setting Initial Case Management Conference and ADR Deadlines

13 X on all parties in said action by mailing a true copy thereof enclosed in a sealed
14 envelope with first class postage affixed addressed as set forth below:

15
16 **Elizabeth Tippet**
17 **WILSON SONSINI GOODRICH & ROSATI**
18 **650 Page Mill Road**
19 **Palo Alto, CA 94304**
direct: (650) 565-3759
fax: (650) 493-6811

20 I declare under penalty of perjury under the laws of the State of California and of the United
21 States of America that the foregoing is true and correct. Executed on March 14th, 2008 at San
22 Francisco, California.

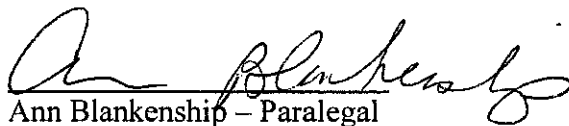
23 
24 Ann Blankenship – Paralegal

EXHIBIT B

From: Tippet, Elizabeth
Sent: Friday, May 02, 2008 2:32 PM
To: Christina Chung
Cc: Rosales, Ulrico
Subject: Serralta v. Khan

Dear Christina,

I have not been able to reach the Khans. As soon as I am able to reach them, I will ask them if the sale of their home is imminent or whether it is even under contract. At this point, I have no reason to believe that is the case. I will get back to you no later than Monday.

Thanks,
Liz

Elizabeth Tippet
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304
direct: (650) 565-3759
fax: (650) 493-6811

EXHIBIT C

From: Tippet, Elizabeth
Sent: Monday, May 05, 2008 3:32 PM
To: Christina Chung
Cc: Rosales, Ulrico
Subject: Serralta v. Khan

Dear Christina,

I have consulted with my client. As we discussed, although the Khans are amenable to a stipulation whereby they would alert you within 72 hours of any accepted offer or planned alterations to the physical structure of the house, they are not willing to stipulate that your client can inspect and videotape their home.

If you decide to bring a motion for expedited discovery, we would be willing to agree to a shortened briefing and hearing schedule whereby we would have 15 days to file our opposition from the date upon which your motion is served, following by a hearing on May 30, 2008 or as soon thereafter as a hearing date can be scheduled. Our offer for a shortened briefing schedule should not serve to prejudice our desire to otherwise follow the timing and sequence of discovery in this matter under the federal rules. As stated, we do not believe there is any need for expedited motions at this time, and these matters can be heard in due course.

Thanks,
Liz

Elizabeth Tippet
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Palo Alto, CA 94304
direct: (650) 565-3759
fax: (650) 493-6811